

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL  
CONTROL,

Plaintiff,

vs.

SOUTH CAROLINA RECYCLING AND  
DISPOSAL, INC., AND COLUMBIA  
STEEL AND METAL CO., INC.,

Defendants.

O R D E R

78-CP-40-1950

FILED  
JUL 11 1978  
CLERK OF COURT  
RICHLAND COUNTY  
SOUTH CAROLINA

This matter is before the Court for a hearing on the merits of an action by the South Carolina Department of Health and Environmental Control seeking clean-up of a chemical waste facility. Prior to the commencement of this hearing, the Plaintiff served and filed a Motion for Leave to Supplement its Complaint to include information that has become available since the commencement of this action. Counsel for Richland County also appeared as amicus curiae. After hearing counsel and examining the record before the Court, it finds that it is in the interest of justice that this Motion be granted. This Motion is granted without prejudice to the Defendants to seek dismissal on the basis of the previous Orders in this action.

This Court also finds that it is in the best interest of the public to have these chemical wastes removed, pendente lite, to another more remote location. This finding is also made without prejudice to any of the parties to this or other litigation and is made solely for the purposes of eliminating the immediate threat to the public by having this waste located near the City of Columbia and in close proximity to both recreational and residential areas.

The Court is further advised that several of these metal drums contain extremely hazardous waste that require immediate disposal rather than relocation to a temporary site. These containers are to be identified and immediately removed by Defendant South

*JDE*  
*P 103*

Carolina Recycling and Disposal, Inc., and disposed of in strict accord with the requirements of the South Carolina Hazardous Waste Management Act and regulations. §§44-56-10, et seq. and R.61-79, et seq., S.C. Code of Laws, 1976. The remaining waste is to be removed and transported to a site on Bluff Road in Richland County and maintained by Defendant South Carolina Recycling and Disposal, Inc. This relocation shall be conducted in a manner that is safe, reasonable and environmentally sound and taking into consideration the well-being of those persons involved in the actual relocation, the public, and the environment. It is acknowledged by the Court that the clean-up of the Bluff Road site is also the subject of litigation by the Plaintiff.

IT IS THEREFORE ORDERED, that the Plaintiff's Motion for Leave to Supplement its Complaint is granted, and, a Supplemental Complaint having been served with the Motion, the Defendants are granted twenty (20) days from the date of this Order to answer, demurrer, or otherwise plead in response to the Supplemental Complaint.

IT IS FURTHER ORDERED, that Defendant South Carolina Recycling and Disposal, Inc., shall immediately arrange for the proper transportation and disposal of those containers identified by the Plaintiff as being extremely hazardous, existing of approximately 6 fifty-five gallon metal drums, and shall ensure their proper disposal in strict accord with the provisions of the South Carolina Hazardous Waste Management Act and its regulations.

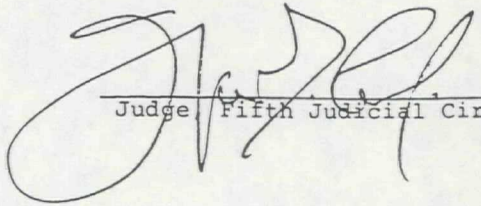
IT IS FURTHER ORDERED, that Defendant South Carolina Recycling and Disposal, Inc., shall immediately begin the relocation of all of the waste materials currently the subject of this litigation to a site located on Bluff Road in Richland County, South Carolina, and maintained by Defendant South Carolina Recycling and Disposal, Inc. That this relocation shall be carried out in a safe and reasonable manner and shall ensure the safety and well-being of those involved in the relocation as well as the safety of the public and protection of the environment. These waste materials shall be marked and segregated from existing materials stored at the new location on Bluff Road in order that they might be identified as having previously been situated at the Dreyfus Street site. The Richland County

10 6 0013

Hazardous Substances Coordinator is directed to make a monthly report to the Court on the progress of this relocation effort.

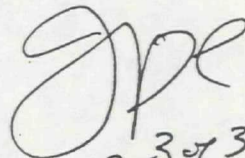
IT IS FURTHER ORDERED that the provisions of this Order relating to the relocation of the waste materials is made pendente lite and without prejudice to the rights of any of the parties of this litigation to seek further relief of this Court.

IT IS THEREFORE ORDERED.

  
Judge, Fifth Judicial Circuit

Columbia, South Carolina

March 11, 1981.

  
p 383